

1 FRANK FALZETTA, Cal. Bar No. 125146
SCOTT SVESLOSKY, Cal. Bar No. 217660
2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 South Hope Street, 48th Floor
3 Los Angeles, California 90071-1448
Telephone: 213-620-1780
4 Facsimile: 213-620-1398
ffalzetta@sheppardmullin.com
5 ssveslosky@sheppardmullin.com

6 TED C. LINDQUIST, III, Cal. Bar No. 178523
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
7 Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
8 Telephone: 415-434-9100
Facsimile: 415-434-3947
9 tlindquist@sheppardmullin.com

10 Attorneys for Defendant and Counterclaimant
LIBERTY MUTUAL FIRE INSURANCE COMPANY

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 LARGO CONCRETE, INC., a California
14 Corporation; N.M.N. CONSTRUCTION,
INC., a California Corporation,

15 Plaintiffs,

16 v.

17 LIBERTY MUTUAL FIRE INSURANCE
18 COMPANY, a Massachusetts Corporation,
and DOES 1 through 100, inclusive.

19 Defendants.

20
21 AND RELATED COUNTERCLAIM
22
23
24
25
26
27
28

Case No. C07-04651 CRB (ADR)

Hon. Charles R. Breyer
[Complaint Filed: September 10, 2007]

**DECLARATION OF GREG BRISEE
FILED IN SUPPORT OF LIBERTY
MUTUAL FIRE INSURANCE
COMPANY'S REPLY BRIEF**

Date: December 21, 2007
Time: 10:00 a.m.
Place: Courtroom 8

DECLARATION OF GREG BRISEE

I, Greg Brisee declare as follows:

1. I am Operations Support Manager for Liberty Mutual Insurance Company ("LMIC") and Liberty Mutual Fire Insurance Company ("LMFIC")(LMIC and LMFIC will be referred to collectively as "Liberty Mutual"). As Operations Support Manager, I am familiar with Liberty Mutual's corporate and other business records. The facts set forth below are based on my personal knowledge and/or information obtained from the corporate and other business records maintained by Liberty Mutual, which records were created in the ordinary course of business at or near the time of the events reflected in those records. If called and sworn as a witness, I could and would testify competently thereto.

2. LMIC and LMFIC are underwriting companies and affiliates that often overlap in the types of insurance policies they issue. LMIC and LMFIC both underwrite workers' compensation insurance. Each company has its own process for underwriting a policy, but all of the workers' compensation policies issued by LMIC and LMFIC are serviced by the same Liberty Mutual employees. Liberty Mutual claims adjusters handle workers' compensation claims for both LMIC and LMFIC, and both companies use the same claims and legal data systems in handling and defending those claims. LMIC and LMFIC also use the same claims handling guidelines for various lines of insurance that are maintained on Liberty Mutual's intranet site and accessible by

1 the claims adjusters who handle claims submitted to LMIC and LMFIC.

2

3 I declare under penalty of perjury, pursuant to the laws of the United States of
4 America, that the foregoing is true and correct.

5

6 Executed this 13 day of December 2007 at Boston, Massachusetts.

7

8

9

10


GREG BRISEE

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28